

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP., SMARTMATIC
INTERNATIONAL HOLDING B.V. and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY PILLOW, INC.,

Defendants.

Case No. 22-cv-00098- WMW-JFD

DECLARATION OF ABRAHAM S. KAPLAN

I, Abraham S. Kaplan, being first duly sworn, state as follows:

1. I am an attorney with the law firm of Parker Daniels Kibort LLC and am one of the attorneys representing Defendants in the above-referenced case. As such, I have personal knowledge of the dates, events, and facts stated below.
2. Attached as Exhibit 1 is a true and correct copy of an email dated September 17, 2023, regarding the parties' meet and confer discussions.
3. Attached as Exhibit 2 is a true and correct copy of an email dated August 8, 2023, regarding Plaintiffs' withholding of Los Angeles County related documents and communications.
4. Attached as Exhibit 3 is a true and correct copy of Plaintiffs' Supplemental Responses to Defendant My Pillow, Inc.'s First Set of Requests for Production of Documents and Things dated August 21, 2023.

5. Attached as Exhibit 4 is a true and correct copy of an email dated September 12, 2023 regarding Plaintiffs' amended 30b(6) designations the night before Roger Pinate Jr.'s 30(b)(6) deposition.

6. Attached as Exhibit 5 is a true and correct copy of an email dated September 13, 2023, regarding Plaintiffs' cancelation of Pedro Mugica's (President of Smartmatic) deposition.

7. Attached as Exhibit 6 is a true and correct copy of an email dated September 24, 2023 regarding Plaintiffs' amended 30b(6) designations two days before Antonio Mugica's 30(b)(6) deposition.

8. Attached as Exhibit 7 is a true and correct copy of an email dated September 26, 2023, regarding Plaintiffs' additional pending document productions.

9. Attached as Exhibit 8 is a true and correct copy of an email dated September 27, 2023 regarding Plaintiffs' cancellation of the October 3, 2023, deposition of Robert Cook.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 4, 2023, in Hennepin County, Minnesota.

/s/ Abraham S. Kaplan

Abraham S. Kaplan